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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/310,912	05/13/1999	ALEXANDER ERIK MERICAS	AT9-99-073	9544

7590

04/23/2002

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EXAMINER

CHAVIS, JOHN Q

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 04/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/310,912

Applicant(s)
Mericas

Examiner
John Chavis

Art Unit
2122



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 17, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Detailed Action

35 USC 102 Rejection

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-4, 6-10, 12 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Dollin et al., as cited in the previous action dated 8/28/01.

35 USC 103 Rejection

3. Claims 2, 5, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dollin et al., as cited in the previous action.

4. Applicant's arguments filed 1-17-02 have been fully considered but they are not persuasive. The applicant appears to claim (on page 3 of 8) that Dollin does not utilize a processor. However, see col. 8 lines 36-45 and see again fig. 1. He goes on to describe a specific type of processor (speculative processor), which "may speculatively execute instructions that may be canceled or flushed without completely executing because the condition for which they were speculatively executing did not occur". The definition provided is the essence of event processing. Therefore, if the event occurs something happens and if it does not occur the selected action does not occur. Those features were discussed in the previous action and again indicated by the applicant in his response and therefore will not be repeated here. Furthermore, events can occur in one end of the network or both (since each have processors to detect the occurrence of a

specified event), see col. 7 line 23-col. 8 line 63.

In reference to the applicant's assertion that Dollin does not teach "monitoring for the specified event during the execution of instructions by the speculative processor", see again the abstract of the invention which indicates that "An event is deemed to have occurred at a monitored network point (one side of the network - ie one processor) when a predetermined set of criteria (instruction) concerning one or more data units is satisfied..." The applicant should also note that the mere monitoring of events is the execution of instructions. The previous listing in the abstract clearly indicates that monitoring of events occur **during execution of instructions by the speculative processor**" based on specified criteria, see also col. 8 lines 2-5. Also, in reference to the count means, Dollin keeps a count of discarded events (events that did not execute completely - ie. Flushed events) and matched events (**instructions completely executed**) and generates reports based on the quality of service (inherently including all events), col. 5 lines 4-46.

In reference to the applicant's global events (claim 4), see Dollin's quality of service feature which generates reports based on "all instructions", "completed instructions" and "lost or failed instructions", as known in the art, col. 5 lines 47-55 and col. 12 lines 3-8.

As per claim 6, the features are considered the essence of reports generated, see again the rejection of claim 4.

In reference to claim 7, note in the abstract that "whenever an event is detected, an event report is generated". Therefore, Dollin is considered to utilize a first counter (whenever an event is detected, see the abstract and the (Quality of Service) QOS unit in col. 11 lines 61-col. 12 line 8) and a second counter (to indicate when a match does not occurs) and the third counter for

keeping a count of the completed matches to enable efficient report generation and specifying QOS as is known in the art, as a percentage of matches completed over the total.

In reference to the 35 USC 103 rejection, see the previous action in view of the rejection above.

The features of monitoring a plurality of events (claims 3, 8-10, and 14) is taught via col. 11 lines 5-14.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chavis whose telephone number is (703) 305-9665. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789. The Official Fax Numbers for TC-2100 are:

After-final

(703) 746-7238

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Mericas
Paper #6

Official (703) 746-7239
Non-Official/Draft (703) 746-7240

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



JQC
April 21, 2002



4/22/02
GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100